

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**JACOB DUFFEE,**

Plaintiff,

v.

**LOWE’S HOME CENTERS, INC.,**

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Civil Action No. **3:11-CV-2101-L**

**ORDER**

Plaintiff Jacob Duffee (“Plaintiff”) filed this action on August 23, 2011, against Lowe’s Home Centers, Inc., alleging violations of the American Disabilities Act (“ADA”), the ADA Accessibility Guidelines, and Texas law. The case was referred to Magistrate Judge Renée Harris Toliver, who entered Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on October 27, 2011. On November 2, 2011, Plaintiff filed objections to the report, as well as a Stipulation for Voluntary Dismissal with Prejudice (the “Stipulation”).

Plaintiff requests in the Stipulation that his claims be dismissed with prejudice but also asks the court to retain jurisdiction over the case for purposes of enforcing a settlement if one is reached. Additionally, the Stipulation contains a provision regarding the allocation of attorney’s fees and costs. Because the Stipulation does not appear to have been presented or agreed to by Defendant, the court construes the Stipulation as Plaintiff’s Motion for the Voluntary Dismissal of Claims.

Having reviewed the pleadings in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions are correct. The Report concludes, and the court agrees, that it lacks subject matter jurisdiction over Plaintiff’s claims based

on his lack of standing. The court therefore **accepts** the magistrate judge's findings and conclusions as those of the court. Accordingly, the court **dismisses** this action **without prejudice**. The court **denies as moot** Plaintiff's Motion for Voluntary Dismissal of Claims.

**It is so ordered** this 3rd day of November, 2011.

  
Sam A. Lindsay  
United States District Judge